

DRAFT

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE PREZONING AND REZONING CERTAIN REAL PROPERTY SITUATED ON THE SOUTH SIDE OF THE UNION PACIFIC RAILROAD TRACKS, WEST OF HILLSDALE AVENUE, NORTHERLY OF ADELINE AVENUE AND ALTINO BLVD. AND EASTERLY OF HIGHWAY 87 AT THE TERMINUS OF CAROL DRIVE TO A(PD) PLANNED DEVELOPMENT ZONING DISTRICT

WHEREAS, all prezoning and rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

WHEREAS, the area encompassed by the subject proposed prezoning and rezoning was the subject of that certain Final Subsequent Environmental Impact Report (EIR) prepared for the Communications Hill 2 Project (File No.PDC13-009), which evaluated the impact of developing up to 2,200 residential units, up to 67,500 square feet of retail/commercial space, up to 1.44 million square feet of industrial park uses, parks, trails, a school site and related off-site public infrastructure on approximately 331.6 acres located on the south side of the Union Pacific Railroad tracks, west of Hillsdale Avenue, northerly of Adeline Avenue and Altino Boulevard, and easterly of Highway 87 at the terminus of Carol Drive, which EIR was certified and for which findings were adopted by the City Council on September 30, 2014 by Resolution No. 77172; and

WHEREAS, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the A(PD) Planned Development Zoning District; and

WHEREAS, this Council of the City of San José has considered and approves the information contained in the Final Subsequent EIR and related City Council Resolution No. 77172 and the determination of consistency therewith prior to acting upon or approving the subject prezoning and rezoning ;

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
SAN JOSE:**

SECTION 1. All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby prezoned and rezoned as A(PD) Planned Development Zoning District. The base zoning district of the subject property shall be the A – Agricultural Zoning District. The Planned Development zoning of the subject property shall be that development plan for the subject property entitled, "Planned Development Prezoning and Rezoning for Communications Hill General Development Plan, Exhibit "C" **last revised August 13, 2014.**

Said General Development Plan is on file in the office of the Director of Planning and is available for inspection by anyone interested therein, and said General Development Plan is by this reference adopted and incorporated herein the same as if it were fully set forth herein.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 2. The district map of the City is hereby amended accordingly.

SECTION 3. The land development approval that is the subject of City File No. PDC13-009 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California Regional Water Quality Control Board for the San Francisco Bay Region.

PASSED FOR PUBLICATION of title this ____ day of _____, 2014 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk



August 1, 2014
HMH 3636.60.125
Page 1 of 3

EXHIBIT "A" PRE-ZONING / RE-ZONING A(PD) PLANNED
DEVELOPMENT COMMUNICATIONS HILL (PERMIT NO. PDC13-009)

REAL PROPERTY, being a portion of the Pueblo Lands of San Jose, in the County of Santa Clara, State of California, described as follows:

BEGINNING at a point in the center line of Hillsdale Avenue as shown on that map of Tract 9352 filed for record October 12, 2001 in Book 743 of Maps, pages 16 through 29, Santa Clara County Records;

Thence North 46° 31' 09" West, 1190.96 feet;
Thence South 70° 41' 25" East, 24.25 feet;
Thence North 19° 18' 35" East, 111.13 feet to the beginning point of a non-tangent curve to the right, from which the center bears North 2° 00' 11" West;
Thence Westerly along said curve, having a radius of 426.00 feet, through a central angle of 17° 11' 17", an arc length of 127.80 feet to the beginning of a reverse curve;
Thence Southwesterly along said curve, having a radius of 5.00 feet, through a central angle of 85° 52' 31", an arc length of 7.49 feet;
Thence North 19° 18' 35" East, 347.88 feet;
Thence North 70° 41' 25" West, 1257.00 feet;
Thence North 19° 18' 35" East, 432.30 feet;
Thence North 70° 41' 25" West, 52.00 feet;
Thence South 19° 18' 35" West, 25.30 feet;
Thence North 70° 41' 25" West, 138.92 feet;
Thence South 52° 20' 01" West, 117.40 feet to the beginning point of a non-tangent curve to the right, from which the center bears North 44° 30' 49" East;
Thence Northwesterly along said curve, having a radius of 174.00 feet, through a central angle of 07° 50' 15", an arc length of 23.80 feet;
Thence North 37° 38' 56" West, 1695.06 feet;
Thence South 52° 21' 04" West, 344.00 feet;
Thence South 37° 38' 56" East, 201.64 feet to the beginning point of a curve to the right;
Thence Southerly along said curve, having a radius of 5.00 feet, through a central angle of 90° 00' 00", an arc length of 7.85 feet;
Thence South 52° 21' 04" West, 61.00 feet to the beginning point of a curve to the left;
Thence Southwesterly along said curve, having a radius of 226.00 feet, through a central angle of 07° 25' 36", an arc length of 29.29 feet;
Thence North 43° 06' 46" West, 465.66 feet;
Thence South 46° 53' 14" West, 521.78 feet;
Thence North 38° 04' 10" West, 501.77 feet;
Thence North 38° 03' 15" West, 1427.10 feet;
Thence North 52° 00' 29" East, 40.00 feet;
Thence South 37° 59' 31" East, 183.50 feet;
Thence South 81° 56' 18" East, 337.97 feet;
Thence North 77° 00' 29" East, 357.97 feet;
Thence South 44° 59' 31" East, 435.00 feet;

Thence North 73° 30' 29" East, 113.79 feet;
Thence North 45° 00' 29" East, 240.00 feet;
Thence North 20° 29' 31" West, 120.57 feet;
Thence North 44° 59' 27" West, 340.00 feet;
Thence North 28° 00' 29" East, 325.05 feet;
Thence North 10° 55' 06" West, 342.05 feet;
Thence North 07° 08' 11" East, 134.65 feet to the beginning point of a non-tangent curve to the right, from which the center bears South 02° 12' 25" West;
Thence Easterly along said curve, having a radius of 829.03 feet, through a central angle of 67° 10' 30", an arc length of 971.97 feet;
Thence South 83° 50' 28" East, 277.45 feet;
Thence South 54° 52' 35" East, 1020.65 feet;
Thence South 23° 03' 35" West, 100.00 feet;
Thence South 66° 34' 33" East, 761.72 feet;
Thence South 66° 19' 56" East, 1197.60 feet;
Thence South 66° 34' 23" East, 412.34 feet;
Thence South 38° 10' 39" West, 107.93 feet;
Thence South 89° 11' 10" East, 227.67 feet;
Thence South 64° 52' 10" East, 610.82 feet;
Thence South 59° 50' 10" East, 303.47 feet;
Thence North 51° 20' 50" East, 79.90 feet;
Thence South 66° 34' 23" East, 1.60 feet;
Thence South 24° 05' 10" East, 66.61 feet;
Thence South 66° 33' 31" East, 231.29 feet;
Thence South 66° 32' 24" East, 49.78 feet;
Thence South 66° 17' 28" East, 49.35 feet;
Thence South 65° 47' 28" East, 48.91 feet to the beginning point of a non-tangent curve to the right, from which the center bears South 24° 22' 06" West;
Thence Southeasterly along said curve, having a radius of 3719.47 feet, through a central angle of 05° 30' 58", an arc length of 358.09 feet;
Thence South 59° 06' 36" East, 279.55 feet;
Thence South 26° 16' 15" East, 456.92 feet;
Thence South 42° 29' 41" East, 90.05 feet;
Thence North 47° 25' 29" East, 16.97 feet;
Thence South 00° 28' 00" East, 266.13 feet to the beginning point of a curve to the right;
Thence Southerly along said curve, having a radius of 545.00 feet, through a central angle of 53° 31' 29", an arc length of 509.13 feet;
Thence South 53° 03' 29" West, 281.23 feet;
Thence South 36° 40' 49" East, 100.00 feet;
Thence North 53° 03' 29" East, 15.00 feet;
Thence South 36° 40' 49" East, 710.34 feet;
Thence South 53° 19' 11" West, 35.00 feet;
Thence North 36° 40' 49" West, 830.18 feet;
Thence South 51° 32' 05" West, 279.72 feet;
Thence South 40° 17' 05" West, 228.36 feet;
Thence South 26° 28' 05" West, 330.00 feet;
Thence South 23° 24' 05" West, 51.48 feet;
Thence South 72° 23' 56" West, 194.91 feet;

Thence North 79° 03' 01" West, 277.93 feet;
Thence South 81° 06' 42" West, 342.17 feet;
Thence South 54° 09' 33" West, 251.21 feet;
Thence North 89° 07' 06" West, 35.00 feet;
Thence South 49° 00' 39" West, 29.96 feet;
Thence North 89° 07' 06" West, 26.70 feet;
Thence South 00° 57' 45" West, 23.96 feet;
Thence South 49° 00' 39" West, 23.15 feet;
Thence North 46° 31' 09" West, 87.78 feet to the TRUE POINT OF BEGINNING.
Containing 333.4 acres, more or less.

EXCEPTING THEREFROM a portion of the Pueblo Lands of San Jose, in the County of Santa Clara, State of California, described as follows:

BEGINNING at the most southerly corner of Lot W as shown on that map of Tract 9352 filed for record October 12, 2001 in Book 743 of Maps, pages 16 through 29, Santa Clara County Records;

Thence along the northwesterly, northeasterly southeasterly and southwesterly lines of that parcel of land described in that Quit Claim Deed recorded March 3, 2006 as Document No. 18829996, Santa Clara County Records, as said parcel is shown on said map of Tract 9352, the following five courses:

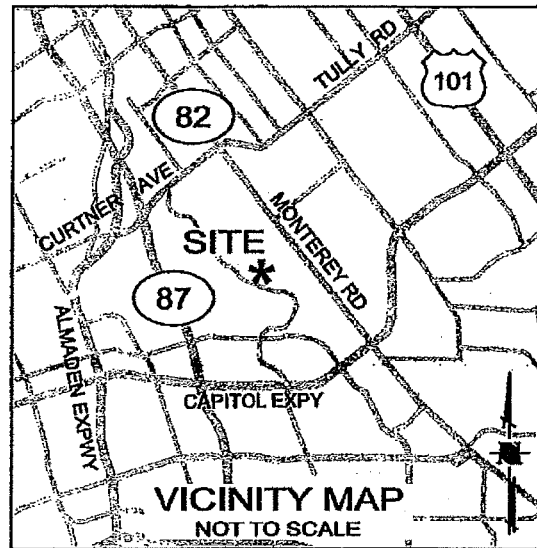
1. North 43° 10' 26" East, 350.46 feet;
2. South 46° 49' 17" East, 249.96 feet;
3. South 43° 11' 10" West, 350.41 feet;
4. North 46° 51' 16" West, 125.24 feet;
5. North 46° 48' 29" West, 124.65 feet to the POINT OF BEGINNING.

Containing or 2.0 acres, more or less.

Total computed acreage containing 331.4 acres, more or less.

For assessment or zoning purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

DISCLAIMER:
 "FOR ASSESSMENT PURPOSES ONLY.
 THIS DESCRIPTION OF LAND IS NOT A
 LEGAL PROPERTY DESCRIPTION AS
 DEFINED IN THE SUBDIVISION MAP ACT
 AND MAY NOT BE USED AS THE BASIS
 FOR AN OFFER FOR SALE OF THE
 LAND DESCRIBED."



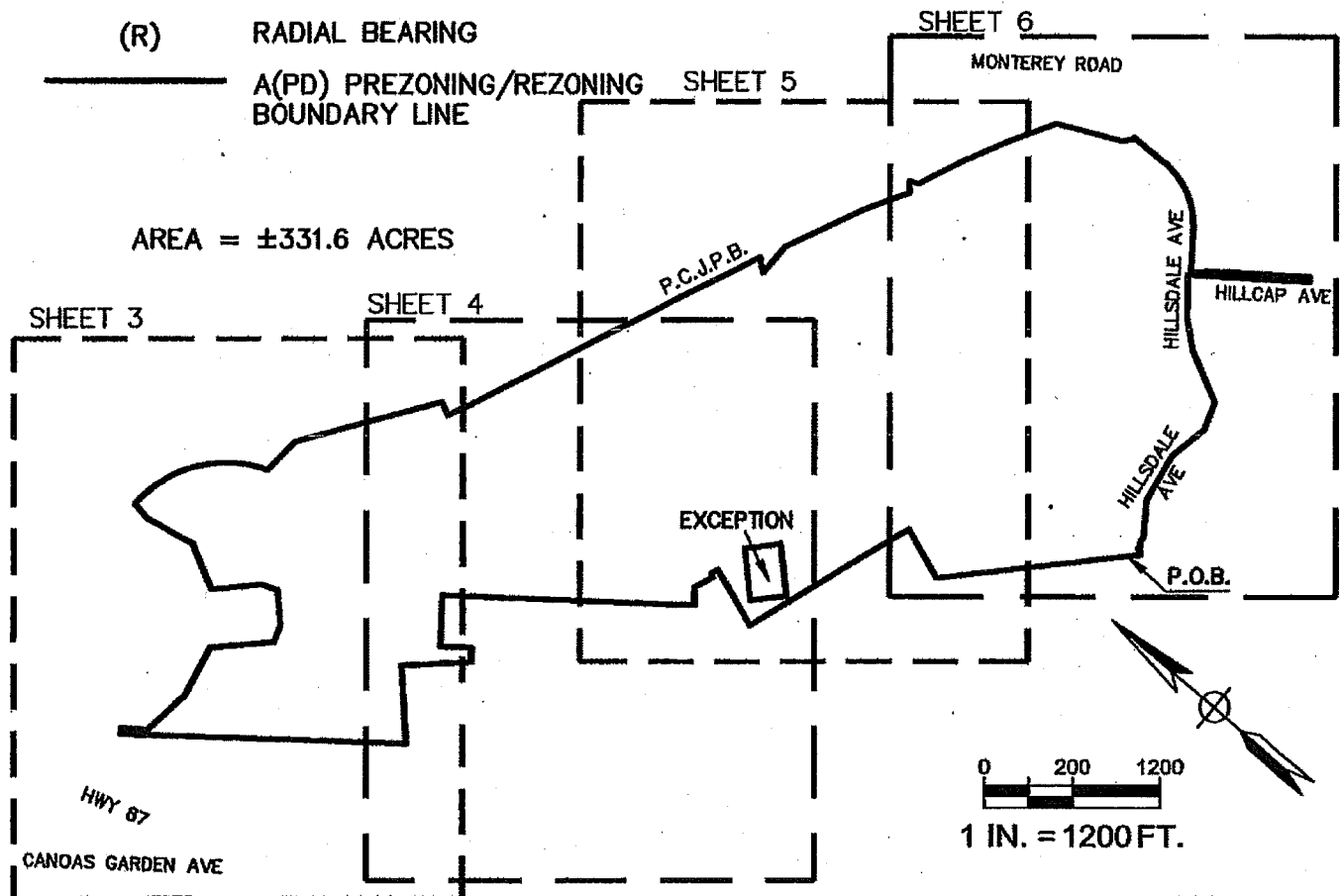
LEGEND

POB POINT OF BEGINNING

(R) RADIAL BEARING

— A(PD) PREZONING/REZONING
 BOUNDARY LINE

AREA = ±331.6 ACRES



SHEET 1 OF 6

Date: 2013-11-26
 Scale: 1" = 1200'
 Designed: —
 Drawn: DT
 Checked: TG
 Proj. Engr: ZJJ
 363660PL05



1570 Oakland Road (408) 487-2200
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EXHIBIT "A" (CONT.) A(PD) PRE-
 ZONING / RE-ZONING (PERMIT
 NO. PDC13-009)

CITY OF SAN JOSE

CALIFORNIA

CURVE	RADIUS	DELTA	LENGTH
C1	174.00'	7°50'15"	23.80'
C2	5.00'	90°00'00"	7.85'
C3	226.00'	7°25'36"	29.29'
C4	829.03'	67°10'30"	971.97'
C5	3719.47'	5°30'58"	358.09'
C6	545.00'	53°31'29"	509.13'

LINE	BEARING	DISTANCE
L1	N46°31'09"W	1305.59'
L2	N19°18'35"E	379.06'
L3	N70°41'25"W	1257.00'
L4	N19°18'35"E	432.30'
L5	N70°41'25"W	52.00'
L6	S19°18'35"W	25.30'
L7	N70°41'25"W	138.92'
L8	S52°20'01"W	117.40'
L9	N37°38'56"W	1695.08'
L10	S52°21'04"W	344.00'
L11	S37°38'56"E	201.64'
L12	S52°21'04"W	61.00'
L13	N43°06'46"W	465.66'
L14	S46°53'14"W	521.78'
L15	N38°04'10"W	501.77'
L16	N38°03'15"W	1427.10'
L17	N52°00'29"E	40.00'
L18	S37°59'31"E	183.50'
L19	S81°56'18"E	337.97'
L20	N77°00'29"E	357.97'
L21	S44°59'31"E	435.00'
L22	N73°30'29"E	113.79'
L23	N45°00'29"E	240.00'
L24	N20°29'31"W	120.57'
L25	N44°59'27"W	340.00'
L26	N28°00'29"E	325.05'
L27	N10°55'06"W	342.05'
L28	N07°08'11"E	134.65'
L29	S83°50'28"E	277.45'
L30	S54°52'35"E	1020.65'
L31	S23°03'35"W	100.00'
L32	S66°34'33"E	761.72'
L33	S66°19'56"E	1197.60'
L34	S66°34'23"E	412.34'
L35	S38°10'39"W	107.93'

LINE	BEARING	DISTANCE
L36	S89°11'10"E	227.87'
L37	S64°52'10"E	610.82'
L38	S59°50'10"E	303.47'
L39	N51°20'50"E	79.90'
L40	S66°34'23"E	1.60'
L41	S24°05'10"E	68.61'
L42	S66°33'31"E	231.29'
L43	S66°32'24"E	49.78'
L44	S66°17'28"E	49.35'
L45	S65°47'28"E	48.91'
L46	S59°06'36"E	279.55'
L47	S26°16'15"E	456.92'
L48	S42°29'41"E	90.05'
L49	N47°25'29"E	16.97'
L50	S00°28'00"E	266.13'
L51	S53°03'29"W	281.23'
L52	S36°40'49"E	100.00'
L53	N53°03'29"E	15.00'
L54	S36°40'49"E	710.34'
L55	S53°19'11"W	35.00'
L56	N36°40'49"W	830.18'
L57	S51°32'05"W	279.72'
L58	S40°17'05"W	228.36'
L59	S26°28'05"W	330.00'
L60	S23°24'05"W	51.48'
L61	S72°23'56"W	194.91'
L62	N79°03'01"W	277.93'
L63	S81°06'42"W	342.17'
L64	S54°09'33"W	251.21'
L65	N89°07'06"W	35.00'
L66	S49°00'39"W	29.96'
L67	N89°07'06"W	26.70'
L68	S00°57'45"W	23.96'
L69	S49°00'39"W	23.15'
L70	N46°31'09"W	87.78'
L71	N43°10'26"E	350.46'
L72	S46°49'17"E	249.96'
L73	S43°11'10"W	350.41'
L74	N46°51'16"W	125.24'
L75	N46°48'29"W	124.65'

SHEET 2 OF 6

Date: 2013-11-21
Scale: 1" = 400'
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Checked: TG
Proj. Eng: ZJJ
363660PLOS

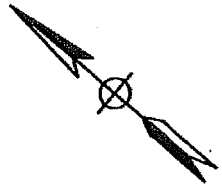


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EXHIBIT "A" (CONT.) A(PD) PRE-
ZONING / RE-ZONING (PERMIT
NO. PDC13-009)

CITY OF SAN JOSE

CALIFORNIA



NOTE:
SEE SHEET 2 FOR LINE
AND CURVE TABLES

0 200 400
1 IN. = 400 FT.

PCL C,
DOC.185984957
455-75-COMMON
AREA

LOT P
TRACT 9515
455-28-COMMON
AREA

APN 455-28-023

APN 455-28-006

APN
455-28-020

SEE SHEET 4

APN
455-59-016

455-59-007

455-59-017

455-59-018

455-59-013

APN 455-28-017

HWY 87

CANOAS
GARDEN
AVENUE

SHEET 3 OF 6

Date: 2013-11-21
Scale: 1" = 400'
Designed: -
Drawn: DT
Checked: JG
Proj. Engr: ZJJ
363660PL05

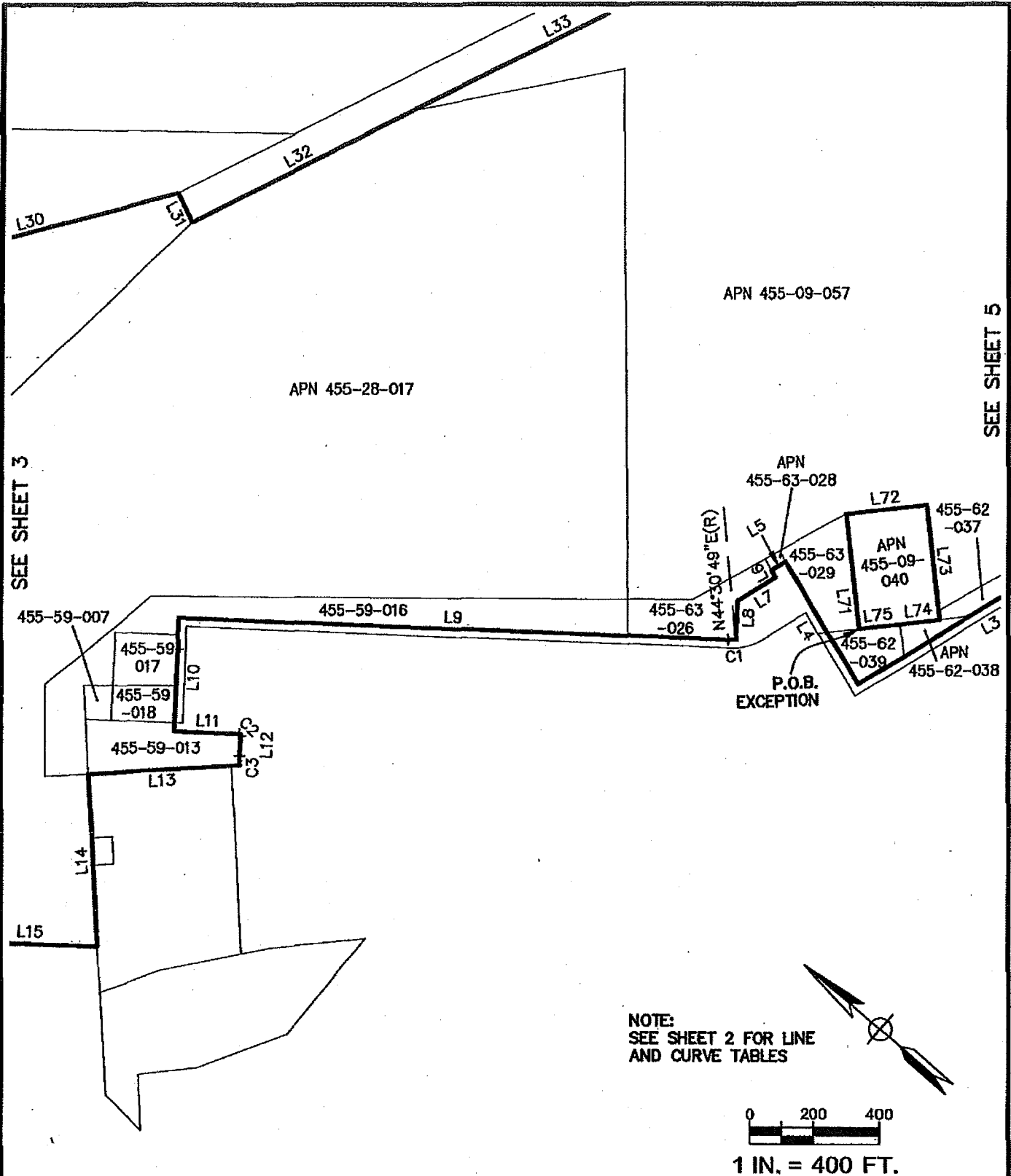


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EXHIBIT B
A(PD) PREZONING/REZONING

CITY OF SAN JOSE

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SEE SHEET 3

SEE SHEET 5

SHEET 4 OF 6

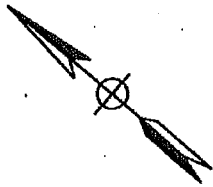
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 Drawn: DT
 Checked: TG
 Proj. Eng: ZJJ
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EXHIBIT "A" (CONT.) A(PD) PRE-
 ZONING / RE-ZONING (PERMIT NO.
 PDC13-009)

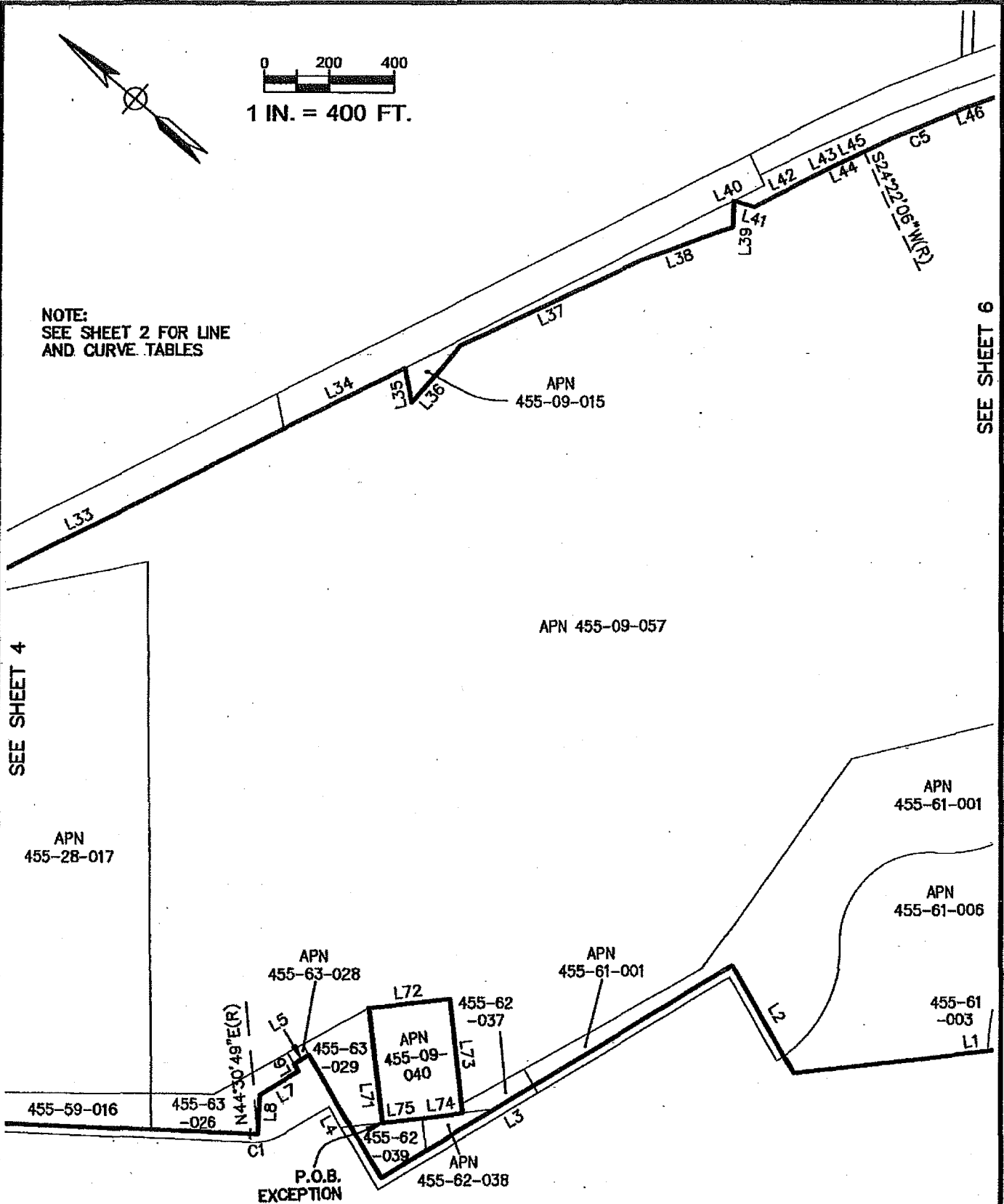
CITY OF SAN JOSE

CALIFORNIA



0 200 400
1 IN. = 400 FT.

NOTE:
SEE SHEET 2 FOR LINE
AND CURVE TABLES



SHEET 5 OF 6

Date: 2013-11-21
Scale: 1" = 400'
Designed: -
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Proj. Eng.: ZJJ
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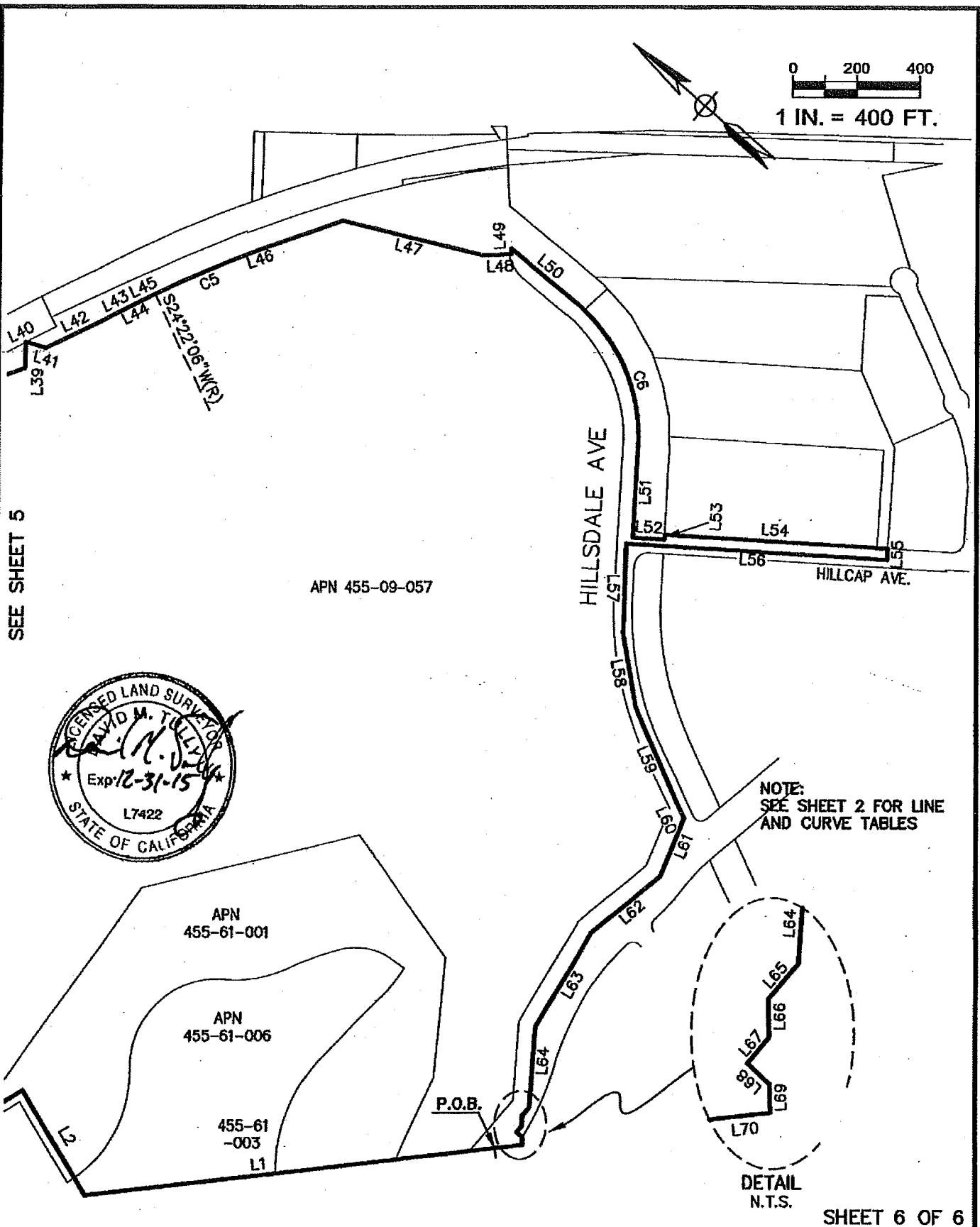


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EXHIBIT "A" (CONT.) A(PD) PRE-
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PDC13-009)

CITY OF SAN JOSE

CALIFORNIA



Date: 2013-11-21
 Scale: 1" = 400'
 Designed: -
 Drawn: DT
 Checked: JG
 Proj. Eng: ZJJ
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EXHIBIT "A" (CONT.) A(PD) PRE-
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SHEET 6 OF 6